

## CHECKLIST: PREPARING FOR YOUR LEAVE AND RETURN FROM YOUR LEAVE

***This Guide provides general advice and guidance to help you prepare for a pregnancy or parental leave. It contains information specific to the law firm setting; however, the overall principles apply to an in-house or government setting. The term “organization” is used to represent all these scenarios. This Guide does not provide legal advice.***

### Preparing for your leave

- You may not be able to finish everything before you go on leave, especially if the birth or adoption occurs sooner than anticipated. At least one month prior to your scheduled leave, you should:
  - Take inventory of your files and work that needs to be completed;
  - Discuss your ongoing workload with the appropriate person;
  - Assign your files to colleagues and discuss them with the lawyers or paralegals who will be taking on your work;
  - Prepare transfer memos of the files that are ongoing so they can be transferred at a moment's notice;
  - Inform your clients of your plans and introduce them to their new lawyer or paralegal;
  - Ensure that your group leader/CEO/Director is fully informed.
- Make a list of on-going non-billable responsibilities that require attention, such as committee work and pro bono work. Discuss these responsibilities with the appropriate person and assign responsibilities that require follow-up actions.
- Be prepared for the eventuality that you might have to stop working earlier than anticipated by fully informing whoever you report to (practice group leader or Director) of your ongoing files as soon as possible.
- Inform the organization, including your assistant, about how you can be contacted during your leave and whether you wish to remain involved in some of the organization's activities.
- Be careful about taking on new files that may run into your leave time.
- Do not feel guilty by the slowdown in your work. Things will and should slow down as you are approaching your leave date.
- Contact your mentor or maternity/parental leave buddy and discuss how to ramp down and ramp up your practice, the pros and cons of maintaining contact with the organization during your absence and any tips that they may have about having a new child and maintaining your professional life.
- Plan and arrange for childcare as soon as possible. The process of finding a nanny or other caregiver can be long and you will not want to rush into any decisions. If you are

considering or planning for daycare, understand that some waiting lists are several months long and you will have to place your name on a waiting list as soon as, or even before the child is born or begins living with you.

- Talk to others, co-workers, friends, and family, and to childcare service providers about childcare options that have worked for them. You must be sure that the option you choose gives you confidence about the care of your child and will work with your routine without too much stress.

### **While on leave**

- It might be helpful for you to keep in touch with colleagues, if only to stay in the loop. Most people who work with you will want to see pictures of your new child and hear about developments.
- If possible, making yourself available if someone needs to briefly talk with you about a file you worked on can be helpful to you and the firm. It is important to note that you are not required to work during your leave, however, your personal history on a file may be invaluable and a brief conversation with you over the phone may be much appreciated.
- Keep in touch with your mentor or maternity/parental leave buddy.

### **Preparing to return from a leave**

- Remind those you work with of your upcoming return. Giving advance notice will put you on the radar screen for upcoming work.
- Have lunch or meet with one or more co-workers a few weeks prior to your return – it will be helpful when you get back into the swing of things and to remind yourself that you enjoy your work.
- If you are considering a flexible time arrangement on your return from leave, speak to other lawyers or paralegals who are on a flexible time arrangement to find out about the various arrangements before you negotiate the terms. Also speak with the lawyers or paralegals you will be working with about your flexible time arrangement and how you expect to carry out your responsibilities while on flexible time. Prepare a business case related to your flexible time arrangement, including how you intend to maintain your profitability, to provide high quality service to your clients and to be available to colleagues. Consult the organization's flexible work arrangement policies for guidance and the Law Society's [Guide to developing a flexible work arrangement](#).

### **During the first few months back and beyond**

- If possible, ease back into your regular work schedule. You may even find that your schedule will change from what it was prior to your leave.
- Be clear on expectations – when work is assigned be clear on when completion is required and advise those you work with of your work schedule.
- Keep photos of your child in your office for personal pleasure and to share.
- Figure out the best way to stay on top of work and maintain your schedule, such as by

having remote access to the office system.

- Remember that you are not alone. There will be days when it feels like nothing is working. We have all felt that way. Your mentor or maternity/parental leave buddy and fellow lawyers or paralegals can be good friends to talk to.

### Detailed checklist for ramping down and ramping up your practice

#### Prior to leave:

Activity	Timeline	Completed
Complete and submit to Human Resources a notification of pregnancy and/or parental leave (see sample Memo to Human Resources re Pregnancy/Parental Leave)	Prior to the start of your leave	
If required by your organization, provide a certificate from a medical practitioner stating the baby's due date	Prior to the start of your leave	
Complete and submit to Human Resources a declaration of your participation in pension plan (if applicable)	Prior to the start of your leave	
Contact [insert the appropriate person in your organization] to establish work assignment plan	Based on organization policy. If no organization policy timeline, one to two months is often appropriate	

<p>Review your active file list and identify files to be completed and transferred</p> <p>See sample Active File List).</p> <p>Check dates for appearances, time limitations or limitation periods for each file</p>	<p>Ongoing maintenance of Active File List</p>
<p>Assign files to colleagues and agree on matters such as timelines to transfer files and to return files upon your return to practice.</p> <p>Prepare a transfer memo to the new lawyer/paralegal or to the file. See sample Transfer Memo to File or New Person</p>	<p>At least two months prior to leave, if possible</p>
<p>Inform clients of leave and introduce clients to transitional lawyer/paralegal/counsel. See sample Letter to Client</p>	<p>At least two months prior to leave, if possible</p>
<p>Inform [insert appropriate person], of your intentions and expectations regarding organization involvement (e.g., continued participation on organization committees, organization events, etc.) while on leave</p>	<p>At least one months prior to leave, if possible</p>
<p>Identify method of communication for notification of organization events and activities during your leave and which events you wish to receive</p>	<p>At least one month prior to leave, if possible</p>

notice of	
Clarify with [insert position] your concerns or details about compensation process and performance review	At least one month before leave, if possible
Provide final date of your leave to the appropriate person and Human Resources	At least two weeks before the start of your leave
Notify the Law Society of any change in your status (if your organization will not manage such issues)	As soon as the change is effective
Contact LAWPRO to determine whether you are entitled to an exemption from payment of your insurance premium levy: <a href="http://www.lawpro.ca/Contact/default.asp">http://www.lawpro.ca/Contact/default.asp</a> Customer Service: (416) 598-5899 or 1-800-286-7639	As soon as possible
Let your organization know your needs during the leave, including: <ul style="list-style-type: none"> <li>• Office supplies</li> <li>• Office equipment</li> <li>• Smart phone</li> <li>• Remote access to organization system</li> <li>• Laptop</li> <li>• Access to an assistant</li> <li>• Colleague support</li> </ul>	At least one month before leave, if possible

Decide if you will want to receive client emails (and which kind) directed to your home email address

At least two weeks prior to leave

Decide if you would like to work on certain files during your leave

At least one to two months prior to leave

Set voicemail absence alert and out of office e-mail response (which should include the length of leave and who to contact in your absence)

Last day of work

## During leave:

Activity	Timeline	Completed
<p>Apply for the following Ontario certifications, if required:</p> <ul style="list-style-type: none"><li>• Birth registration</li><li>• Birth certificate</li><li>• Health card</li><li>• Passport</li><li>• Social insurance card</li></ul> <p>For more information, please visit: <a href="https://www.orgforms.gov.on.ca/IBR/start">https://www.orgforms.gov.on.ca/IBR/start</a></p>	As soon as possible	
<p>Keep up existing friendships with colleagues. You do not have to focus on work unless you want to. Chat on the phone about your new child and life in general. They want to hear from you!</p> <p>Call colleagues who have recently returned from parental/pregnancy leave</p>	Ongoing	
<p>Stay informed where possible. Some news may be of interest and useful to you when you return.</p> <p>Depending on how much information you feel you can handle, arrange for a co-worker to keep you updated on the status of projects or files</p>	Ongoing	

<p>If you decide to resign before your return to work, provide written notice</p>	<p>At least one month prior to return, if possible</p>
<p>Meet with [insert appropriate person/Human Resources] to develop a plan for your reintegration</p>	<p>Based on timeline in policy. If no timeline in policy, at least one month prior to return, if possible</p>
<p>Agree on anticipated workload and transition issues upon return</p>	<p>Based on timeline in policy. If no timeline in policy, at least one month prior to return, if possible</p>
<p>Discuss anticipated opportunities within the organization for involvement in new matters and new files</p>	<p>Based on timeline in policy. If no timeline in policy, at least one month prior to return, if possible</p>
<p>Communicate with coworkers and clients regarding return to work. Get together for lunch with a colleague to catch up on news. Call your practice group leader, Director, or CEO to get a handle on the projects you will be returning to</p>	<p>Based on timeline in policy. If no timeline in policy, at least one month prior to return, if possible</p>



Ask the appropriate person about the possibility of remote/hybrid work arrangements, flexible hours or a part-time schedule for the first week or two after your return

At least one month prior to return, if possible

Talk to friends who have recently had a new child and have returned to work. Ask for tips

Whenever you feel comfortable

Get help for yourself and be aware of your mental well-being.

Always

Remember that your LSO dues cover access to the Member Assistance Program:  
[https://lso.ca/lawyers/well-being-resource-centre/member-assistance-program-\(1\)](https://lso.ca/lawyers/well-being-resource-centre/member-assistance-program-(1))

## Easing the transition back to work

Activity	Timeline	Completed
<p>You may find it helpful to phase in your return to work, both physically and mentally</p>	<p>Go at your own pace</p>	
<p>If possible, begin your childcare arrangements a few weeks prior to returning to work (if only part-time) to help ease yourself and your child into a new routine</p>	<p>A few weeks prior to returning to work</p>	
<p>Arrange for emergency childcare backup plans in case things go awry. Review childcare options close to home or near your workplace. Create a support system of neighbours with small children or other parents at the daycare centre. Discuss extended hours with your childcare provider and agree on how you will handle a sudden workplace need for late hours</p>	<p>At least one month before returning to work</p>	
<p>Discuss arrangements with your support system for pick-up and drop-off duties</p>	<p>At least one month before returning to work</p>	

Meet with Human Resources to discuss benefits for new family members and paperwork to reinstate participation in pension plan (if applicable)	Upon return
Contact the Law Society about any change of status (if applicable)	Prior to or immediately upon return
Make arrangements with LAWPRO about resuming your coverage (if applicable)	Prior to or immediately upon return
Decide which non-billable responsibilities you would like to resume	Upon return
Decide if you still need support at home (i.e., office supplies, laptop, etc.,) should you decide to work occasionally	Upon return

## Sample Memo to Human Resources re: Pregnancy/Parental Leave

NOTE: This sample is meant to give you an idea of what kind of information might be expected of you to provide prior to taking a pregnancy or parental leave. Your organization may have its own notification form. If not, you may use the below and insert the applicable timelines of your organization.

**Name:** \_\_\_\_\_

**A. The following notice applies to (please check the appropriate box):**

- Pregnancy Leave Only (applicable to pregnant parent only)
- Parental Leave Only
- Pregnancy Leave and Parental Leave

**B. Please complete the following dates:**

Expected Due Date (for birth parents): \_\_\_\_\_

Expected Date the Child is Placed (for adopting parents): \_\_\_\_\_

**C. Please complete the expected dates of your leave:**

	Start Date	End Date	# of weeks
Pregnancy Leave (maximum of 17 weeks or [insert timeline from your organization's policy])			
Parental Leave (maximum of 61 weeks if pregnancy leave taken OR maximum of 63 weeks if pregnancy leave <u>not</u> taken [or insert timeline from policy])			

**Sample Memo to Human Resources re: Pregnancy/Parental Leave Cont'd**

**Please attach the following:**

Doctor's certification of pregnancy and due date. (This document is required by Human Resources at least two weeks prior to the commencement of your leave.)

Declaration of Participation in Pension Plan.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Declaration of Participation in Pension Plan and Benefits Plans

NAME: \_\_\_\_\_

Please check the appropriate boxes below to indicate whether you will or will not participate in the organization's pension plans during your pregnancy leave and/or parental leave.

**Pension Plan**

Pregnancy Leave:

Participation in Pension Plan                      Continue                       Discontinue

Parental Leave:

Participation in Pension Plan                      Continue                       Discontinue

**[Insert other plans]**

Pregnancy Leave:

Participation in Pension Plan                      Continue                       Discontinue

Parental Leave:

Participation in Pension Plan                      Continue                       Discontinue

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

I have taken \_\_\_\_\_ vacation day(s) to date. Listed below are the dates in which I will be taking my leave.

**[Notice about any remaining vacation that, under the organization's policy, must be taken prior to the start of the leave as unused vacation and that cannot be carried forward into the following year].**

\_\_\_\_\_ Remaining vacation day(s)



## Transfer memo to file or new person

**MEMO TO:** (File or New Lawyer/Paralegal)

**NAME OF FILE:**

**FILE NUMBER:**

**DATE:**

**NOTE:** [limitation periods, appearance dates, and outstanding obligations]

**FACTS AND INFORMATION:**

I was retained by client [X on date] with respect to the following:

**[List items and include retainer letter if relevant]**

1. A summary of the history of this matter is as follows:

**[Summarize the relevant facts and the history of the case to present. Include details of litigation, negotiations, etc.]**

2. The client's position on each issue is [Include]
3. The opposing side's position on each issue is:[Include]
4. Include other relevant information:[Include]

I have contacted the client to inform them of the temporary transfer of the file and the timeline for the transfer. Letter of transfer attached.

### Template Letter to Client

**RE:** [Name of case]

**Name:** [Name]

As of [date], I will be taking a [pregnancy or parental] leave for an expected period of [insert number of months]. During my absence, I have asked [insert name of lawyer/paralegal/counsel] to carry on the work on your file. [Name of responsible lawyer/paralegal/counsel] can be reached at [contact information including phone number and email address]. I have fully briefed [name of responsible lawyer/paralegal/counsel] on the details of your file and they know how to contact me during my leave. Should you have any concerns about this arrangement or the management of your file, do not hesitate to contact me or [name of appropriate person] to discuss the matter.

**Sincerely,**

[Lawyer/Paralegal/Counsel]

[Organization]